

### **REMARKS**

Claims 1-3, 5-7, 20 22-37 are now pending in the application. Claims 20, 22, 25, 27, 30 33 and 34 have been amended. Claims 4, 8-19 and 21 have been canceled. Support for the claim amendments may be found in the application as originally filed. No new matter has been entered. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **INFORMATION DISCLOSURE STATEMENT**

The Examiner states that that the Information Disclosure Statement filed December 28, 2007 fails to comply with 37 CFR 1.98(a)(3) for not including a concise explanation of relevance. With the exception of citation number CA, Applicants disagree with the Examiner and are resubmitting the Information Disclosure Statement filed on December 28, 2007 that specifically identifies citation numbers BB, BC, BD, BS, BT, BU, BV, BW, BX, BY and BZ. With respect to citation number CA, while Applicants do not possess an English translation for the article: A. Weiler, et al; Biodegradierbare Interferenzschrauben in der Kreuzbandchirurgie; OP-JOURNAL 14 pp. 278-284; 1998, it appears to disclose a biodegradable interference screw for cruciate ligament surgery. Applicants have resubmitted the Information Disclosure Statement that includes a concise explanation of relevance.

**ALLOWABLE SUBJECT MATTER**

Applicants thank the Examiner for allowance of claims 1-7 and 33-37. The Examiner also states that claims 30-32 would be allowable if rewritten in independent form. Applicants wish to reserve the opportunity to write claims 30-32 in independent form at a later time.

**REJECTION UNDER 35 U.S.C. §103**

Claims 20, 22, 23, 24 and 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. Pub. No. 2003/0078617 (Schwartz) in view of U.S. Pat. Pub. No. 2002/0019649 (Sikora). This rejection is respectfully traversed.

Applicants submit that claim 20 has been amended to include features identified by the Examiner on page 5 of the most recent Office Action under "Allowable Subject Matter". Specifically, claim 20 has been amended to include in part "locating a blunt hollow member against said first portion of the body tissue without penetrating the body tissue; and deploying an anchor from said blunt hollow member, said anchor coupled to said retaining head by a flexible member, said anchor being advanced from said first position, through the tear to a desired location within the body tissue intermediate the tear and said outer surface of the body tissue". Applicants submit that combination of Schwartz and Sikora fails to teach or render obvious such a method. Therefore, Applicants respectfully submit that claim 20 and dependent claims therefrom are in condition for allowance.

Turning now to claim 27, Applicants have amended claim 27 to include in part "positioning a terminal end of a hollow tube on said first outer surface; and advancing an anchor from said hollow tube, while said hollow tube remains external to said first surface, said anchor being coupled to said retaining head". Applicants submit that the combination of Schwartz and Sikora fails to teach or render obvious such a method. Therefore, Applicants respectfully submit that claim 27 and dependent claims therefrom are in condition for allowance.

Claims 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. Pub. No. 2003/0078617 (Schwartz) in view of U.S. Pat. Pub. No. 2002/0019649 (Sikora) as applied to claim 23, in further in view of U.S. Pat. No. 5,954,747 (Clark). This rejection is respectfully traversed.

Applicants note that claims 25 and 26 are both ultimately dependent on claim 20 as discussed above. Applicants submit that the combination of Clark fails to teach or render obvious claim 20 as discussed in detail above. Clark discloses a sharp piercing member that pierces the skin prior to inserting an anchor. Therefore, Applicants specifically request reconsideration and withdrawal of this rejection.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

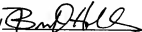
believes that personal communication will expedite prosecution of this application, the

Examiner is invited to telephone the undersigned at (248) 641-1600.

Dated: 19/MAR/09

Respectfully submitted,

By



Richard W. Warner

Registration No.: 38,043

Brian D. Hollis

Registration No.: 51,075

HARNES, DICKEY & PIERCE, P.L.C.

P.O. Box 828

Bloomfield Hills, Michigan 48303

(248) 641-1271

Attorneys for Applicant